

Kimberly "Sweet Brown" Wilkins  
Global RockStar Management  
P.O. Box 13303  
Oklahoma City, OK., 73113  
Plaintiff (s)

JUN 21 2012  
PATRICIA FRELEY, COURT CLERK  
by DEPUTY

VS.

Case NO. **CJ -2012-3851**

The Bob Rivers Show  
Ben Karlstrom  
iTunes  
Clear Channel Radio  
645 Elliott Ave. W. Suite 400  
Seattle, WA., 98119  
Defendant (s)

**COMPLAINT FOR:**  
Music Plagiarism Sampling  
Fraud  
Negligence

**DEMAND FOR JURY TRIAL**

Plaintiff complains and for causes of  
Action alleges as follows:

**FIRST CAUSE OF ACTION**  
( for Music Plagiarism Sampling)

Plaintiff, Kimberly "Sweet Brown" Wilkins and Global RockStar Management, appearing Pro se, and demands damages from the Defendant(s), Ben Karlstrom, The Bob Rivers Show, Clear Channel Radio, and iTunes, and in support thereof states as follows:

1. That the Plaintiff, Kimberly "Sweet Brown" Wilkins, is an adult citizen of the state of Oklahoma and a resident of Oklahoma County.
2. That the Defendant(s), The Bob Rivers Show, Ben Karlstrom, Clear Channel, and iTunes, hereinafter referred to as "Defendant", is a radio broadcasting show and/or corporation and music purchase entity in Washington, who engineered and/or produced the song known as "I Got Bronchitis" and uploaded the aforementioned song on iTunes to encourage downloads for profit.
3. That on or about April 8, 2012, the Plaintiff, Kimberly "Sweet Brown" Wilkins, was interviewed by a local NEWS station to give her reaction to an apartment fire that occurred in her apartment building.  
( See Exhibit A: Original Interview Link)
4. That on or about April 9, 2012, the Defendant(s) called the Plaintiff(s) for a general radio interview via phone. During the radio interview the Plaintiff(s) was only asked and only answered general questions relating to the apartment fire more fully described above. The Plaintiff(s) did NOT agree to release her likeness or voice to the Defendant(s) and were completely unaware of Defendant(s) intentions of making a hit song using the Plaintiff's voice and/or likeness.
5. That on or about April 9, 2012, the Defendant(s) engineered/produced a song and video titled "I Got Bronchitis" using the Plaintiff's likeness and voice and catch phrases including, but not limited to the following phrases: A. "Ain't Nobody got time for That" B. "Cold Pop" C. "Ran for my Life" D. "thought somebody was Bar-B-Que'n E. "Oh, Lord Jesus it's a FIRE", and all other phrases not mention but

**EXHIBIT 1**

originated through the radio interview more fully described above; and began to play the plagiarized song "on-air" on local and/or over syndicated radio shows. ( See Exhibit B: I Got Bronchitis Link )

6. That on or about April 10, 2012, the Defendant(s) uploaded the aforementioned song to iTunes and began to sell the song for profit. ( See Exhibit C: iTunes Link )

7. That on or about April 10, 2012, the Defendant(s) falsely advertised the Plaintiff as an aware featured artist on the aforementioned song, more fully described below.

8. Prior to uploading/releasing the aforementioned song to iTunes the Defendants took pieces of a pre-existing recording of the Plaintiff and used the pieces to create a new recording for profit.

9. The Defendant did NOT obtain proper clearance and did NOT negotiate a proposal or get permission to use Plaintiff's voice and/or likeness.

10. As a result of the aforesaid conduct and music plagiarism sampling of the Defendant(s), the Plaintiff(s) sustained injuries and damages more fully described below. Plaintiff(s) further states that if she had known of the actual intention of the Defendant, the Plaintiff(s) would NOT have taken such actions more fully described above.

## **SECOND CAUSE OF ACTION**

( Fraud )

11. Plaintiff realleges and incorporates by reference each and every allegation contained in paragraph 1 through 10 above if more fully set forth herein at length.

12. On or about April 10, 2012, the Defendant represented to the public that the Plaintiff(s) was an actual contracted feature on the song "I Got Bronchitis". These representations were false and defendants knew the falsity of these statement at the time they were made.

13. Plaintiff is informed and believes and thereon alleges that Defendants, and each of them, had no intention to pay the Plaintiff(s) any proceeds from the profits constructed on iTunes and/or You Tube.

14. Plaintiff(s) is informed and believes and thereon alleges that Defendants, and each of them, uploaded the song entitled " I Got Bronchitis" to turn profit and for the specific purpose of depriving the Plaintiff(s) of it's funds, to thrall Plaintiff(s) in it's business, and to defraud Plaintiff(s), all with malice toward Plaintiff(s).

15. These acts were malicious, fraudulent and oppressive, justifying and award of punitive damages so that Defendants and each of them will not engage in such conduct in the future and make an example of them.

16. As a result of the fraud and aforesaid conduct of the Defendants, the Plaintiff(s) sustained injuries and damages more fully described below, without the Plaintiff(s) contributing thereto.

## **THIRD CAUSE OF ACTION**

( Negligence )

17. The Plaintiff incorporates herein by reference each and every allegation contained in paragraph 1 through 16 above if more fully set forth herein at length.

18. The aforesaid incident(s) occurred as a result of the was proximately caused by the careless, negligent, grossly careless, and reckless conduct of the Defendant(s) which consisted inter alia of the following particulars:

A. Failing to obtain proper clearance before engineering, producing, and uploading a song sampling the Plaintiff's likeness and voice.

B. Failing otherwise to comply with State and Federal Intellectual Property Laws, Music Plagiarism Sampling Laws;

C. Otherwise failing to exercise the degree of care required under the circumstances; and

D. Otherwise being negligent.

19. Solely as a result of the failure of the Defendant to properly clear samples of the Plaintiff(s) likeness and voice, Plaintiff(s) has incurred damages including, but not limited to the following:

A. Pain and suffering, she has, may, and probably will for an indefinite time in the future suffer great

pain, post-traumatic stress, anxiety, inconvenience, embarrassment, and mental anguish;

B. Emotional Distress; suffered as a response to a sudden, and saddening experience.

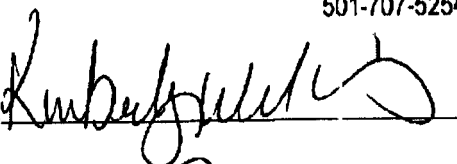
C. Economic Injury; Defendant(s) was/is a direct interference with the Plaintiff(s) ability to make money; and

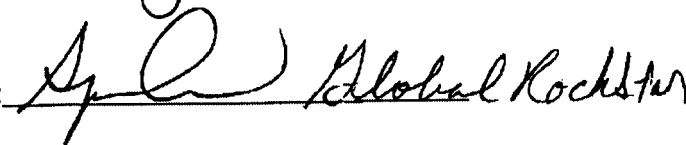
D. The Defendant(s) negligent behavior reduces the value of the Plaintiff(s) likeness and voice.

WHEREFORE, the Plaintiff(s), Kimberly "Sweet Brown" Wilkins and Global RockStar management, prays for a judgment against the Defendant(s), and each of them s follows:

1. For the sum of four million dollars (\$4,000,000.00) for Music Plagiarism Sampling and the value of it's performance
2. For three million five hundred thousand dollars (\$3,500,000.00) for general damages for defendants' Fraud
3. For Punitive Damages seven million five hundred thousand dollars (\$7,500,000.00)
4. For reasonable Attorney fees and cost incurred herein
5. For such other and further relief as the Court may deem just and proper.

Respectfully submitted,  
Global RockStar Management and Kimberly "Sweet Brown" Wilkins  
P.O. Box 13303  
Oklahoma City, Oklahoma  
73113  
501-707-5254

Sign: 

Sign:  Global RockStar

## **Exhibits**

**Exhibit A:** see [www.youtube.com/sweetbrownNoTimeForBronchitis](http://www.youtube.com/sweetbrownNoTimeForBronchitis) Lucas Marr

**Exhibit B:** see [www.youtube.com/sweetbrownIgotBronchitis](http://www.youtube.com/sweetbrownIgotBronchitis) Bob Rivers Show

**Exhibit C:** see [www.itunes.apple.com](http://www.itunes.apple.com) search I Got Bronchitis / Ain't Nobody Got time for that



## AFFIDAVIT OF SERVICE

State of Oklahoma

County of Oklahoma

District Court

Case Number: CJ-2012-3851

Plaintiff:

**KIMBERLY "SWEET BROWN" WILKINS GLOBAL ROCKSTAR  
MANAGEMENT P.O. BOX, 3303 OKLAHOMA CITY, OK., 73113**

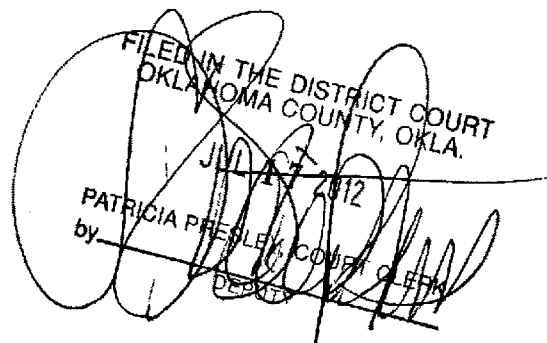
vs.

Defendant:

**THEN BOB RIVERS SHOW BEN KARLSTROM ITUNES CLEAR  
CHANNEL RADIO 646 E. ELLIOT AVE. W. SUITE 400 SEATTLE,  
WASHINGTON., 98119**

For:

Global Rockstar Mangement



Received by ASAP Process and Mobile Notary on the 28th day of June, 2012 at 4:54 pm to be served on  
**REGISTERED AGENT OF CLEAR CHANNEL COMMUNICATIONS, 200 E. BASSE ROAD, SAN ANTONIO, TX  
78209.**

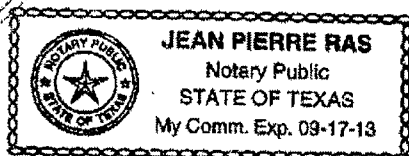
I, Jennifer Renee Stroupe, being duly sworn, depose and say that on the **29th day of June, 2012 at 10:45 am, I:**

served a **REGISTERED AGENT** by delivering a true copy of the **COMPLAINT FOR: MUSIC PLAGIARISM  
SAMPLING, FRAUD, AND NEGLIGENCE** with the date and hour of service endorsed thereon by me, to: **CLEAR  
CHANNEL COMMUNICATIONS BRENDA KEY LEGAL ASSISTANT TO THE LEGAL DEPARTMENT** as  
Registered Agent at the address of: **200 E. BASSE ROAD, SAN ANTONIO, TX 78209** on behalf of **CLEAR  
CHANNEL COMMUNICATIONS**, and informed said person of the contents therein, in compliance with state  
statutes.

I certify that I am over the age of 18, have no interest in the above action, and am a Certified Process Server, in  
good standing, in the judicial circuit in which the process was served.

Subscribed and Sworn to before me on the 1st day of  
July, 2012 by the affiant who is personally known to  
me.

NOTARY PUBLIC



  
Jennifer Renee Stroupe  
SCH4618

ASAP Process and Mobile Notary  
3605 Candlebrook Lane  
San Antonio, TX 78244  
(210) 400-6935

Our Job Serial Number: AMN-2012000109